

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BOOST WORLDWIDE, INC.,

Plaintiff,

v.

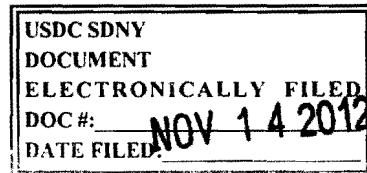
CIBAO WIRELESS CORPORATION,

Defendant.

Civil Action

Case No.: 1:11-CV-06415-KBF

DEFAULT JUDGMENT



**WHEREAS**, on September 14, 2011, plaintiff Boost Worldwide, Inc. ("plaintiff" or "Boost") filed an amended complaint in the above-captioned action against defendant Cibao Wireless Corporation, ("Defendant" or "Cibao"), alleging trademark infringement pursuant to 15 U.S.C. § 1125(a) and 15 U.S.C. § 1114, false advertising pursuant to 15 U.S.C. § 1125, common law unfair competition, and common law unjust enrichment; and

**WHEREAS**, defendant was served with plaintiff's complaint on January 18, 2012; and

**WHEREAS**, on Nov. 14, 2012, the Court entered a default against defendant for failure to plead or otherwise defend; and

**WHEREAS**, Boost currently has the following trademarks registered with United States Patent and Trademark Office: registration No. 2,952,818 (the "'818 Mark"), registration No. 3,163,288 (the "'288 Mark"), registration No. 3,254,019 (the "'019 Mark"), registration No. 2,936,743 (the "'743 Mark"). The '818, '288, '019 and '743 Marks hereafter collectively are referred to as the "Boost Marks" or the "Marks;" and

**WHEREAS**, the Court having found that defendant has infringed upon the Boost Marks, in violation of 15 U.S.C. § 1125(a) and 15 U.S.C. § 1114; and

**WHEREAS**, the Court having considered plaintiff's application for entry of a default judgment against defendant; and

**WHEREAS**, for good cause shown;

On this 14<sup>th</sup> day of Nov, 2012, it is **ORDERED ADJUDGED AND**

**DECREED** that a Default Judgment be entered against defendant as follows:

1. Defendant hereby is permanently enjoined and restrained from the unauthorized use of the Boost, Sprint and Virgin Mobile Marks;
2. Defendant hereby is required promptly to (i) remove any and all existing signage and destroy all advertising, displays, literature and other materials bearing the Boost, Sprint or Virgin Mobile Marks; (ii) cease and desist the use of the Boost Marks in any signage, advertising, displays, literature and other materials going forward; (iii) cease and desist the sale of Boost handsets and other Boost or Sprint products going forward; and (iv) cease and desist the sale of replenishment minutes, or Re-Boost minutes, for Boost handsets and other products going forward;
3. Pursuant to 15 U.S.C. § 1116, defendant also hereby is required to file with the Court, and serve on plaintiff, a written report under oath detailing the manner in which defendant has complied with the injunction entered by the Court; and
4. Defendant shall provide within three (3) days of this Order plaintiff's counsel with a written list identifying names and addresses of the locations at which defendant is conducting business, as Cibao or as part of a venture under any other name.
5. Pursuant to 15 U.S.C. § 1117, the Court hereby awards plaintiff (i) its reasonable attorneys' fees in the amount of \$3,500; and (ii) its costs in the amount of \$726.

Judgment against defendant shall be entered in the amount of \$4,226.

  
HONORABLE KATHERINE B. FORREST, U.S.D.J